
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

BENJAMIN MICHAEL KOLLAR

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CASE NO. 1:09-CR-46

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The court referred defendant's Motion to Withdraw Guilty Plea to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration and hearing and a recommended disposition. Order Referring Motions, September 11, 2009, Docket No. 26. The magistrate judge recommends that the court deny the motion.

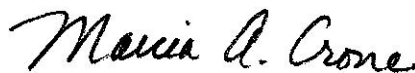
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

O R D E R

The court independently concludes that the findings and conclusion of the magistrate judge are correct. Accordingly, it is **ORDERED**:

- 1) The magistrate judge's report is hereby **ADOPTED**, and
- 2) defendant's Motion to Withdraw Guilty Plea is **DENIED**.

SIGNED at Beaumont, Texas, this 20th day of November, 2009.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ Objections to the magistrate judge's recommendation were filed by defendant but have subsequently been withdrawn.